



# REPORT TO CITY COUNCIL

**TO:** The Honorable Mayor and Members of the City Council

**FROM:** Debra M. Irvin, City Manager

**DATE:** August 16, 2018

**SUBJECT:** **Case # 18-13** – A request from the City Manager to amend the Zoning Code, Chapter 400 by adding additional definitions.

We have investigated the Subject item, above, and present the following as our findings:

## **BACKGROUND**

The Current definitions in Chapter 400 is missing our most recent special use approvals.

## **RECOMMENDATION**

Staff recommends referral to Plan Commission to review and consider amending the Zoning Definitions.

## **SUPPORTING DOCUMENTS**

- -Staff Report
- - Proposed Definitions

**Respectfully submitted,**

## **PROPOSED DEFINITIONS SECTION 400.020**

**8/16/2018**

**ACCESS EASEMENT** — an easement which grants the right to cross property.

**AS-BUILT PLANS** — Construction plans revised to show a facility or structure as actually constructed and as it appears on the tract of land involved.

**BLOCK** — An area of land within a subdivision that is entirely bounded by streets, highways, or right-of-way, except alleys, or between streets, highways, streams, parks, etc., or any other barrier, or combination thereof, to the continuity of development.

**BUSINESS** -A sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered, and private clubs.

**CIGAR BAR** -A business with a permit to sell alcoholic beverages that generates twenty-five percent (25%) or more of its quarterly gross revenue from the sale of cigars and /or rental of humidor space, has a humidor on the premises and does not allow minors to enter the premises. A Special Use Permit is required.

**CONSIGNMENT STORE** — A building or part of a building where secondhand goods, articles, or antiques are offered or kept for sale at retail to the general public wherein the owner/operator of the business sells the merchandise in exchange for a fee from the owner(s) of the goods, articles, or antiques. A Special Use Permit is required.

**DEDICATION** — Intentional transfer by the developer to the public of ownership of or an interest in land for a public purpose. Dedication may be effected by compliance with Statutes relating to dedication of land, by formal deed of conveyance, or by any other method recognized by the laws of the State of Missouri. Acceptance by the City of maintenance responsibilities will be an action by the City Council separate from the dedication

**DRINKING ESTABLISHMENT** -Any business with a valid license issued by the City (pursuant to Chapter 600 "Alcoholic Beverages") to sell intoxicating liquor by the drink or to sell beer and light wine by the drink whose on-site sales of food for consumption on the premises comprises no more than twenty-five percent (25%) of gross sales of food and both alcoholic and non-alcoholic beverages on an annual basis.

**EMPLOYEE** -Any person who performs services for an employer, with or without compensation.

**EMPLOYER** -A person, partnership, association, corporation, trust or other organized group of individuals, including the City or any agency thereof, which utilizes the services of at least one (1) employee.

**ENCLOSED AREA** -A space bound by walls (with or without windows) continuous from the floor to the ceiling and enclosed by doors, including, but not limited to, offices, rooms, all space therein screened by partitions which do not extend to the ceiling or are not solid, "office landscaping" or similar structures and hallways.

**LAUNDROMAT** — a business that provides washing, drying or ironing machines and professional type cleaning and pressing equipment for hire to be used by customers on the premises. A Special Use Permit is required.

**PAWNBROKER** — any person engaged in the business of lending money on the security of pledged goods or engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time. A Special Use Permit is required.

**PERMANENTLY DESIGNATED SMOKING ROOM** -A hotel or motel room that may be designated as a smoking room, with such designation being changeable only one (1) time a year.

**PLACE OF EMPLOYMENT** -Any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference rooms and classrooms, employee cafeterias and hallways. A private residence is not a "place of employment" unless it is used for Home Occupation as defined in this Chapter.

**PRIVATE CLUB** -A not-for-profit organization incorporated under the laws of the State of Missouri for fraternal or social purposes or for a congressionally chartered veteran's organization, which has a defined membership and restricts admission to members of the club and their guests. Private club shall not include an establishment that is generally open to members of the general public upon payment of a fee. A private club shall not be considered a "public place" except when it is in the site of a meeting, event or activity that is open to the public.

**PUBLIC PLACE** -Any enclosed or other area to which the public is invited or in which the public is permitted, including, but not limited to, banks, educational facilities, reception areas, health facilities, laundering facilities, public transportation facilities, production and marketing establishments, retail service establishments, retail stores, theaters, and waiting rooms. A private residence is not a "public place."

**RESTAURANT** -An eating establishment including, but not limited to coffee shops, cafeterias, sandwich stands and private and public school cafeterias, which provides food to the public, guests or employees, and well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar and lounge area within the restaurant.

**SERVICE LINE** -Any indoor or outdoor line at which one (1) or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.

**SHOPPING MALL** -An enclosed public walkway or hall area that serves to connect retail or professional establishments.

SMOKING -Inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe or other tobacco product.

SPORTS ARENA -Sports pavilions, gymnasiums, health spas, boxing arenas, outdoor and indoor swimming pools, outdoor athletic fields, outdoor and indoor roller and ice skating rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition or witness sports events.

SUBDIVIDER — The owner, agent or person having control of such land as the term is used in this Chapter. "*Subdivision*" shall mean the division of land into two (2) or more parts including the Resubdivision of a lot or parcel. Any sale or rental of a division of land by metes and bounds or lot description shall constitute a subdivision of land and shall require compliance with this Chapter unless it is a separate parcel of record at the time of the effective date of this Chapter.

SUBDIVISION — The partitioning of a parcel or tract of land by an owner or developer into two (2) or more lots of any size for the purpose of sale, lease, or development, whether immediate or future; included are all changes in street lines, dedication or platting of streets, and changes in lot lines.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the Building Commissioner or designee, and which are the minimum necessary to assure safe living conditions; or

VARIANCE — A modification of the specific requirements of this Chapter granted by the Board of Adjustment in accordance with the terms of this Chapter for the purpose of assuring that no property because of special circumstances applicable to it shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and Zoning District. Such modifications shall not include authorizing a use not among the uses specified by this Chapter as permitted in any district in which such property is located.